

Chapter 19

SMITH CREEK WATER AND WASTE AUTHORITY

- § 19-1. Definitions.
- § 19-2. Connections and connection fees.
- § 19-3. Monthly fees and charges.
- § 19-4. Billing and lien for unpaid charges.
- § 19-5. Discontinuance of service.
- § 19-6. Complaint as to bill not ground for nonpayment.
- § 19-7. Rules for rendering of water service.
- § 19-8. Rules for rendering of sewer service.
- § 19-9. Unauthorized opening or closing of hydrants and valves.
- § 19-10. Penalty.

Sec. 19-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Application for service. The making of a written request for water service within the authority service area and payment of the appropriate application fee or execution of financing agreement as stated in section 17-53(c).

Authority. Smith Creek Water and Waste Authority.

Billing period. The unit of time used to bill for service in each area in which the authority provides service.

Board. The board of supervisors of the county.

Cessation of service. Termination of the water supply or sewage collection for nonpayment of delinquent accounts.

Connection requirements. The requirement of a separate connection for each dwelling unit or house unless the authority shall authorize differently.

Customer. The person who has applied for water or sewer service at a premises.

Delinquent account. Any account not paid within thirty (30) days of billing date.

Deposit. The deposit required in advance of water or sewer service.

Discontinuance of service. The termination of water or sewer service for reasons other than nonpayment.

Dwelling unit. Each single-family residential dwelling and each single-family residential dwelling unit contained in an apartment building, in a duplex, in a residence which houses two (2) or more families, or in any building used for residential purposes.

Facilities of the authority. Any and all components and pertinent parts of the entire system of the water and sewer facilities under the jurisdiction of the authority, including those items constructed, installed, operated or maintained by the authority or any which may be approved and accepted in the future as additions or extensions of the system.

Premise. Any building, group of buildings or land upon which buildings are to be constructed which is or may be served by the facilities of the authority.

Reconnection. Restoring of service to accounts where service has for some reason been discontinued.

Service connection. The pipe extending from a water main to the outlet side of the meter setting in the meter box at the property line, including the meter and meter box for water and the service line extended from the main to the property line for sewer.

(P.C. Ord. No. 02-01, 1-9-02)

Sec. 19-2. Connections and connection fees.

(a) The owner, tenant, or occupant of each lot or parcel of land upon which a building has been constructed for residential, commercial, or industrial use, which abuts a street or other public right of way which contains, or is adjacent to an easement containing an authority water or sewer line shall make application for service within ninety (90) days of the availability of water or sewer service, or both at the given location. Provided however, that this requirement shall not apply where the building is located more than five hundred (500) feet from said easement, street or other public right of way. And further, that owners of existing buildings, that are unoccupied at the time of the availability of water or sewer service, or both, shall not be required to make application until such time as said building or buildings are occupied.

(b) *Connection fee--Water.*

(1) Residential.

a. Single-family \$2,400.00

b. Apartments, trailer courts and multi-family units:

1. First unit 2,400.00

2. Next twenty-four (24) units (each) 1,680.00

3. Over twenty-five (25) units (each) 1,400.00

c. Irrigation meter (in areas where the residence is served by authority water and sewer a separate meter for the purpose of irrigation will be installed upon payment of the connection fee and provided that no piping from this meter is connected within the residence).

1. 5 8" × 3 4" meter 1,000.00

2. Larger meter, plus additional costs of materials and installation for larger meter and fittings. \$1,000.00

(2) *Commercial and industrial.* Utilizing the Virginia Department of Health Design Criteria, connection fee shall be calculated based on the number of equivalent multi-family residential units (divided by four hundred (400) gallons per unit) and the connection fee in subsection (1) above. In no case shall the fee be less than the fee for a single-family unit.

(c) *Connection fee--Sewer.*

(1) *Residential.*

a. Single-family \$3,600.00

b. Apartments, trailer courts and multi-family units:

1. First unit 3,600.00

2. Next twenty-four (24) units (each) 2,520.00

3. Over twenty-five (25) units (each) 1,910.00

(2) *Commercial and industrial.* Utilizing the Virginia Department of Health Design Criteria, connection fee shall be calculated based on the number of equivalent multi-family residential units (divided by four hundred (400) gallons per unit) and the connection fee in subsection (1) above. In no case shall the fee be less than the fee for a single-family unit.

(d) *Reduction in connection fees for existing occupied structures.* The connection fees for occupied structures existing as of completion of the respective water and sewer facilities required to provide the initial public water and sewer services within the authority shall be one-half of the scheduled amounts set forth in paragraphs 19-2(b) and 19-2(c).

(e) *Authority financing of connection fees.* Owners of owner-occupied residential structures existing as of January 1, 2002, shall be eligible for authority financing of the applicable connection fee(s). Financing shall be for a period of up to sixty (60) months at an annual interest rate of 0.0 percent.

(f) *Exemption from connection fees for elderly and disabled persons.* Persons who have obtained exemption from county real estate taxation under chapter 7, article VII, real estate tax relief for elderly and disabled persons, of this Code shall be exempted by the authority from paying connection fees to the same extent as reflected in section 7-21.

(P.C. Ord. No. 02-01, 1-9-02)

Sec. 19-3. Monthly fees and charges.

(a) *Monthly service charges.*

(1) *Water.*

Minimum bill, 4,000 gallons \$20.00

All over 4,000 gallons, per 1,000 gallons 3.75

(2) *Sewer, based on metered water consumption.*

Minimum bill, 4,000 gallons TBD

All over 4,000 gallons

TBD = To be determined. Sewer related fees have yet to be established.

(b) *Late payment.* All payments for service shall be due and payable within twenty (20) days of the billing date. Failure to pay for service by the due date shall result in a penalty of ten (10) per cent of the current amount due or five dollars (\$5.00), whichever is greater. In addition, interest shall commence on the date of the next monthly statement and shall accrue at the rate of one (1) per cent per month on the unpaid charges for service.

(c) *Deposit.* A deposit of fifty dollars (\$50.00) will be required for water service upon application by new customers. All deposits shall be paid when application is made. Deposits will be refunded after a period of one (1) year if customer pays bills in a timely manner.

(d) *Reconnection charge.* When it has been necessary to discontinue service to any premises because of a violation of this chapter or because of nonpayment of any bill, a charge of twenty-five dollars (\$25.00) will be made for resuming service. This charge together with any arrears that may be due the district must be paid before service will be resumed.

(P.C. Ord. No. 02-01, 1-9-02)

Sec. 19-4. Billing and lien for unpaid charges.

(a) There shall be mailed monthly to each water and sewer customer a statement of the amount due for the preceding month, including delinquent bills, penalties or fees. Bills not paid within thirty (30) days after billing shall be considered delinquent and the service subject to discontinuance.

(b) When any water meter is determined to be registering improperly due to a malfunction, the amount of the monthly bill shall be determined by averaging the monthly water consumption of the three (3) preceding months.

(c) There shall be a lien upon the real property on which the use of the services covered in this article was made for the amount of any fee or other charges by the authority to the owner or lessee or tenant of any such real estate for the services provided by the authority or in connection with such real estate from and after the time when such fees or charges are due and payable, and for the interest which may accrue thereon.

Such liens are imposed pursuant to section 21-118.4(e) of the Code of Virginia, 1950, as amended.
(P.C. Ord. No. 02-01, 1-9-02)

Sec. 19-5. Discontinuance of service.

(a) The authority may terminate water and sewer service if a customer is delinquent in payment. Notice of a delinquency shall be given the customer whose service is to be discontinued either by telephone, mail or in person by the supervisor, and if the account is not paid within ten (10) days from such notice, the authority may discontinue service.

(b) The authority may discontinue water and sewer service without notice for the following reasons:

- (1) Willful or indifferent waste of water due to any cause;
- (2) Failure to protect and maintain the service pipe or fixtures on the property of the customer in a condition satisfactory to the county;
- (3) Molesting or tampering by the customer, or others with the knowledge of the customer, with any meter, connection, service pipe, curb stop, seal or any other appliance of the authority controlling or regulating the customer's water supply;
- (4) Failure to provide the authority's employees free and reasonable access to the premises supplied, or for obstructing the way of ingress to the meter or other appliances controlling or regulating the customer's water supply.
- (5) Violation of any rule or regulation of the authority;
- (6) The repair of the authority's facilities;
- (7) Insufficient supply of water, electricity or sewage system capacity;
- (8) At the request of the customer, due to temporary vacancy of the premises;

(c) Discontinuing the supply of water to a premises for any reason shall not prevent the authority from pursuing any lawful remedy by action at law or otherwise for the collection of monies due from the customer.

(d) When service to a customer has been terminated for any of the above stated reasons, other than temporary vacancy of the premises, it will be renewed only after the conditions, circumstances or practices which caused the water or sewer service to be discontinued are corrected to the satisfaction of the authority and upon payment of all charges due and payable by the customer in accordance with this article.

(P.C. Ord. No. 02-01, 1-9-02)

Sec. 19-6. Complaint as to bill not ground for nonpayment.

Complaint against a water or sewer bill shall not be proper excuse for refusal to pay such bill when due

or exempt the complainant from the imposition of penalties for failure to pay such bill at the proper time.
(P.C. Ord. No. 02-01, 1-9-02)

Sec. 19-7. Rules for rendering of water service.

- (a) *Service connection.*
 - (1) Before a water service connection is provided, the owner of the premises to be supplied, or his duly authorized representative, shall make application for service upon forms prescribed by the authority. Upon approval of the application, and payment of the connection fee and other applicable charges, the authority shall install the service connection. A separate service connection shall be required for each premises unless otherwise determined by the authority.
 - (2) The authority will make or have made all connections to its mains and will specify the location, size, kind and quality of all materials entering into the service connection.
 - (3) The service connection, including special connections for fire service or for service of a temporary nature, shall remain the property of the authority and be under its sole control and jurisdiction and will be maintained by the authority at its expense.
- (b) *Customer's service lines.*
 - (1) The service line which shall be installed between the property line and the place of consumption shall be furnished and installed by the customer at his expense and risk.
 - (2) The customer's service line and all connections and fixtures attached thereto shall be subject to the inspection and approval of the authority before service is commenced.
 - (3) The customer's water service pipe shall be installed at least three (3) feet below the surface of the ground in a trench which shall be at least ten feet in a horizontal direction from any other trench wherein are installed gas pipe, sewer pipe, or other facilities, public or private, unless otherwise specifically authorized or approved by the authority.
 - (4) The customer shall install a stop and waste cock of a type approved by the building official on the water service pipe immediately inside the foundation wall of the building supplied, and so located as to be easily accessible to the occupants and to provide proper drainage for all of the pipe lines in the building.
 - (5) No fixture shall be attached to, or any branch made in, the service pipe between the meter and the water main.
 - (6) Any repairs, maintenance, replacement or relocation necessary on the customer's service pipe or fixtures in or upon the customer's premises shall be performed by the customer at his expense and risk.
- (c) *Cross-connection and back siphonage.*

- (1) No pipe or fixtures connected with the mains of the authority shall also be connected with pipes or fixtures supplied with water from any other source. This is a state law and severe penalties result in violation. An inspection will be made by county personnel at the time of physical connection to the authority's main to ensure no cross-connections can occur.
 - (2) Piping systems supplying swimming pools or tanks shall be so arranged as to prevent water from re-entering the water distribution system by siphonage or other means. An independent supply pipe shall be provided in such a way that its discharge end is at least two (2) diameters above the highest possible water level in the swimming pool or tank. All such installation shall be approved by the authority.
 - (3) Pursuant to the requirement of the state department of health is that a cross-connection control and back flow prevention program be established and enforced. The authority shall make periodic inspections and take the appropriate action to eliminate the possibility of contaminating the water supply.
- (d) *Meters and meter installations.*
- (1) The authority shall determine the location, type and size of meter to be installed.
 - (2) Meters will be furnished, installed and removed by the authority and shall remain its property.
 - (3) Unless otherwise determined by the authority, each premises shall be supplied through a separate meter, or if necessary and at the option of the authority, through a separate battery of meters. Where a battery of meters is installed, the registrations of such meters shall be combined for billing purposes and shall be subject to a minimum charge as negotiated between the authority and the customer. Where, however, a premises is supplied through more than one service line, unless otherwise provided in contracts entered into therefore, the registration of the meter installed on each such service shall be billed separately, subject to the minimum charge for each meter. Meters will be read to the nearest one hundred (100) gallons.
 - (4) Meters will be maintained by the authority at its expense insofar as ordinary wear is concerned, but damage to any meter due to causes arising out of or caused by the customer's facilities, operations, negligence or carelessness shall be paid for by the customer, except, however, the authority shall be responsible for damage to meters due to freezing in outside meter vaults.
 - (5) The customer shall promptly notify the authority of any defect in or damage to the meter or its connection.
- (e) *Meter test and test fees.*
- (1) All meters will be accurately tested before installation. Meters will also be periodically tested in accordance with accepted practice. The authority may at any time remove any meter for routine tests, repairs, or replacement.

- (2) The authority shall upon written request of a customer if he so desires in his presence or that of his authorized representative, make without charge a test of the accuracy of the meter in use at his premises, and that the customer will agree to abide by the results of such test in the adjustment of disputed charges. A written report of the results of the test shall be furnished to the customer.
- (3) Whenever a test of a meter reveals it to have an average error above standards established by the American Water Works Association (AWWA), the county shall bill or refund to the customer, as the case may be, such percentage of the amount of bills, covering the consumption indicated by the meter for the previous six (6) months, as the meter was found to be in error at the time of test, unless it can be shown from the records of either party that the error found has existed for a greater or lesser period, in which case the adjustment shall cover such actual period.

(P.C. Ord. No. 02-01, 1-9-02)

Sec. 19-8. Rules for rendering of sewer service.

- (a) Sanitary sewers shall not be used for any purpose other than the conveying of sewage.
- (b) Downspouts and foundation drains shall not be connected to any sanitary sewer.

(P.C. Ord. No. 02-01, 1-9-02)

Sec. 19-9. Unauthorized opening or closing of hydrants and valves.

No person, without authority from the authority, shall open, close or otherwise tamper with any valve, fire hydrant, gate or other equipment connected with or pertaining to the water or sewer system.

(P.C. Ord. No. 02-01, 1-9-02)

Sec. 19-10. Penalty.

A person found guilty of violating the provisions of this article shall be guilty of a misdemeanor, punishable by a fine of not more than two hundred fifty (250.00) dollars. Each day that the violation continues shall be considered a separate violation.

(P.C. Ord. No. 02-01, 1-9-02)